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09/937,362	12/17/2001	Philippe Magnier	5310-03400	7900

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EXAMINER

LUK, LAWRENCE W

ART UNIT PAPER NUMBER

2838

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,362

Applicant(s)

MAGNIER, PHILIPPE

Examiner

Lawrence Luk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1, 5, 6, 9, 14 and 15 is/are rejected.
- 7)  Claim(s) 2-4, 7, 8, 10-13, 16 and 17 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Stuhlbacher et al. (5,781,976).

In regard to claims 1 and 9, Stuhlbacher et al. discloses the elements as claimed.

Specifically, Stuhlbacher et al. shows device for prevention against explosion of an electrical transformer comprising an enclosure filled with combustible coolant, and a decompression element coupled to the enclosure and configured to decompress the enclosure of the transformer during use (refer to col.1, lines 15-45). wherein the decompression element comprises a rupture element comprising a retention part, the retention part comprising first zones which have a reduced thickness in comparison with the rest of the retention part and are capable of tearing without fragmenting when the rupture element ruptures, and second zones which have a reduced thickness in comparison with the rest of the retention part and are capable of folding without tearing when the rupture element ruptures, the rupture element being capable of breaking when the pressure inside the enclosure exceeds a predetermined ceiling (refer to col.2, line 45 to col.3, line 20).

In regard to claims 5 and 14, Stuhlbacher et al. shows the retention part is made of stainless steel, aluminum or aluminum alloy (refer to col.1, lines 23-25).

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Stuhlbacher et al. (5,781,976) in combination with Moore (4,117,525).

In regard to claims 6 and 15, Stuhlbacher et al. discloses the elements as claims, except for a rupture-detection element integrated with the rupture element.

Moore shows a rupture-detection element integrated with the rupture element (refer to col.3, lines 11-14).

It would have been obvious to person having ordinary skill in the art at the time of the invention was made to modify the device of Stuhlbacher et al. to include a rupture-detection element integrated with the rupture element as taught by Moore for providing overpressure protection.

*Allowable Subject Matter*

5. Claims 2-4, 7, 8, 10-13, 16 and 17 are objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that: Claims 2 and 11, the rupture element further comprises a sealing component which is arranged on the coolant side of the enclosure and is capable of closing off small-diameter holes formed in the retention part; Claims 3 and 12, the sealing component is in the form of a lining on the retention part. the lining

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being composed of polytetrafluoroethylene; Claims 4 and 13, the retention part has a domed shape with convexity on the opposite side to the coolant; Claims 7 and 16, the rupture-detection element comprises an electrical wire capable of breaking at the same time as the rupture element, the electrical wire being adhesively bonded on the rupture element; Claims 8 and 17 are dependent on claims 7 and 16; Claim 10, an electrical feed-through wherein an additional decompression element is coupled to the electrical feed-through. Claims 2-4, 7, 8, 10-13, 16 and 17 would be allowable if rewritten in independent from including all of the limitations of the base claim.

#### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Luk whose telephone number is (703)305-0617. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (703) 308-1680. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7724 for regular communications and (703)305-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

LWL  
July 22, 2003

*Lawrence Luk*  
*examiner*  
*7/22/03*